Exhibit A

Parties' Preliminary Claim Constructions

The parties reserve their rights to rely on any portion of the specification or file history of any of the patents-in-suit not included herein to address or rebut arguments.

Defendants intend to address terms marked with a "*" in its motion for summary judgment of indefiniteness, but reserve the right to respond to any positions raised in plaintiff's claim construction briefing.

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
1.	Abstract	**472** (3,4,8,11, 12) **700** (1,6,7,10, 11,40,49, 50) **494** (1,5,11,1 7,20,21,2 9) **175** (8,11,12, 13,15,16, 17)	No construction required. **472 Patent, Claims** 3,4,8,11,12 (and unasserted Claims 1,2,5,6,7,9,10,13,14). **700** Patent Claims 1,6,7,10,11,40,49,50 (and unasserted Claims 2,3,4,5,8,9,12-39,41-48). **494** Patent Claims 1,5,11,17,20,21,29 (and unasserted Claims 2,3,4,6,7,8,9,10,12,13,14,15,16,18,19, 22,23,24, 25,26, 27,28). **175** (8,11,12,13,15,16,17). **175, Summary of the Invention** - Col. 3, 11-60. **175, Detailed Description of the Invention, Description of One of the Preferred Embodiments,** Col. 4, 7-17 ("In one embodiment of the invention, the abstract of a signal may be generated by the following steps: 1) analyze the characteristics of each signal in a group of audible/perceptible variations for the same signal (e.g., analyze each of five versions of the same song—which versions may have the same lyrics and music but which are sung by different artists); and 2) select those characteristics which achieve or remain relatively constant (or in other words, which have minimum variation) for each of the signals in the group. Optionally, the null case may be defined using those characteristics which are common to each member of	**All Defendants (except Morpho Defendants[1])** "A data-reduced representation of a reference or query signal that is the smallest amount of data that can represent and differentiate two signals for a given predefined signal set and that retains a perceptual relationship with the original signal" Intrinsic Evidence '472 Patent[2] Col. 3:52-55; 3:63-4:50; 5:65-6:6; 6:54-7:55; 8:16-27; 9:47-51; 10:9-19; 10:21-24;10:51-54; 14:19-27; 14:58-64; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.

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[1] In this document, "Morpho Defendants" refers to MorphoTrust USA, Inc., L-1 Identity Solutions, Inc., MorphoTrak, Inc., and Safran USA, Inc.

[2] Citations to the '472 Patent are representative as all four patents-in-suit share a common specification.

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
			the group of versions.").	**Morpho Defendants**
			175, Sample Embodiment 1 – Col. 14:3-8 ("With greater compression rates, it is anticipated that similarity may exist between the <u>data compressed abstractions of different analog signals</u> (e.g., recordings by two different artists of the same song). The present invention contemplates the use of bit-addressable differences to distinguish between such cases.").	Indefinite To the extent the Court finds this term is definite, Morpho proposes:"a reduction that preserves an aesthetic quality of the original signal"
			175, Sample Embodiment 1 – Col. 14:30-35 ("The flexibility in having transparent determination of unique signal abstracts, as opposed to independent third party assignment, is likely to increase confidence in the monitoring effort by the owners of the original signals themselves. The prior art allows for no such transparency to the copyright creators.").	<u>Intrinsic Evidence</u> '472 Patent at Abstract; '472 Patent Col. 2:64-3:47; 3:52-56; 3:63-4:59; 5:24-34; 5:65-6:6; 6:48-54; 6:64-7:55; 8:16-27; 9:42-59-65; 10:9-33; 10:50-54; 11:13-17; 11:28-51; 14:19-27; 14:47-64; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.
			BLU1-22, 88. BLU1-2260. . Extrinsic Evidence: BLU023313-17, BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
2.	Digital		"a series of binary digits—1's and 0's." 700 Patent, Col. 4: 25-33("Increasingly, valuable information is being created and stored in **digital form**. For example, music, photographs and motion pictures can all be stored and transmitted as <u>a series of binary digits—1's and 0's</u>. Digital techniques permit the original information to be duplicated repeatedly with perfect or near perfect accuracy, and each copy is perceived by viewers or listeners as indistinguishable from the original signal. Unfortunately, digital techniques also permit the information to be easily copied without the owner's permission."). BLU0001-2260 BLU023377-83 BLU023565-BLU023640	Plain and ordinary meaning
3.	Digitally signed abstract	**700** (11,50) **494** (21)	No construction required. BLU808, 813, 883, 962, 967, 1002, 1033, 1101, 1105, 1179, 1212, 1232, 1401, 1688, 1704, 1737, 1770, 2242. Extrinsic Evidence: BLU023313-17 BLU023377-83 BLU023565-BLU023640. Digital Signature Standard, Federal Information Processing Standards Publication, United States Department of Commerce, FIPS PUB 186-4; FIPS PUB 186-2. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	"data that results from performing a Digital Signature on an Abstract" <u>Intrinsic Evidence</u> '472 Patent Col. 3:52-55; 3:63- 4:50; 7:36-55; 8:16-27; 9:47-51; 10:9-19; 14:19-27; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.
4.	Match/Match es/ Matching	**472** (3,4,8,11,	No construction required. BLU88-92, 116-121, 133-141, 143-151, 156-162, 186, 247, 249,	A Match - "an indistinguishable copy"

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
	Matched	12) **700** (1) **494** (1,29) **175** (12,13,15)	251, 253, 283-285, 287, 289, 322-324, 326, 328, 384-386, 388, 390, 408-409, 452, 464, 489, 561-562, 570, 574, 581-586, 588-589, 599-600, 608, 612, 619-627, 659-661, 792-793, 807, 809-810, 813, 816, 818-820, 824, 826-827, 853-854, 865, 882, 888, 890, 961, 964, 1001, 1004, 1008, 1010-1011, 1013, 1017-1018, 1032, 1099, 1102, 1154-1155, 1165, 1170, 1176, 1178, 1181, 1183, 1187-1188, 1198, 1203, 1209, 1211, 1214, 1216, 1230, 1233, 1398, 1401, 1403-1404, 1422-1423, 1425, 1555, 1621, 1685, 1689, 1701, 1705, 1710, 1711-1712, 1721, 1726, 1732, 1734, 1738-1739, 1743-1745, 1754, 1759, 1765, 1767, 1771-1772, 1980-1981, 2002, 2004-2005, 2009-2011, 2087, 2152-2153, 2162, 2166, 2172, 2177-2178, 2187, 2191, 2197, 2212, 2217, 2218, 2227, 2231, 2237, 2239, 2242, 2244. BLU1-2260. Extrinsic Evidence: BLU023408-15 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	Matches - "is indistinguishable from " Matched – "was indistinguishable from" Matching - "indistinguishable" Intrinsic Evidence '472 Patent Col. 2:64-3:7; 3:8-47; 3:52-55; 3:63- 4:50; 6:54-7:55; 8:16-27; 8:55-59; 9:47-51; 10:9-19; 11:20-23; 14:19-27; '15:3-8; 15:12-15; 700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply. Extrinsic Evidence "match (A) A condition in which the values of corresponding components of two or more data items are equal. See also: hit. (B) To compare two or more data items to determine whether their corresponding components are equal as in definition 'A'." The IEEE Standard Dictionary of Electrical and Electronics Terms (6th Ed. 1997).

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
5.	A comparing device that compares/ a comparing device….that compares/ a comparing device for comparing	**472** (11) **494** (1,11)	Not governed by §112¶6. BLU92, 121, 141, 150-151, 162, 253, 289, 328, 390, 409, 587, 625, 659, 661, 791, 793, 807, 810, 816, 820, 824-825, 827, 890, 961, 964, 1001, 1004, 1008, 1013, 1017, 1018, 1099, 1102, 1178, 1181, 1211, 1214, 1230, 1233, 1398, 1401, 1421, 1422, 1423-1424, 1685, 1689, 1701, 1705, 1734, 1738, 1767, 1771, 2239, 2242. Extrinsic Evidence: BLU023348-350, 411 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	Means plus function. Function: comparing Structure: no structure or algorithm disclosed. To the extent the Court determines this term is not means-plus-function, Defendants propose this term is indefinite. To the extent the Court finds this term is not indefinite, Defendants propose: "A separate hardware component of the computerized system [that compares/for comparing/able to compare]". Intrinsic Evidence '472 Patent Col. 3:29-34; 3:43-47; 3:52-55; 3:63- 4:50; 6:54-7:55; 8:16-27; 8:55-9:10; 9:18-39; 9:47-51; 10:9-19; 14:19-27; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.
6.	A device configured to determine if a query signal matches any	**494** (29)	No construction required. BLU1403-1404. Extrinsic Evidence:	Means plus function. Function: determine if a Query Signal matches any one plurality of Reference Signals

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
	one plurality of reference signals		BLU023408-15 BLU023513-16 BLU023441-61, BLU023474-76, BLU023479 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	Structure: no structure or algorithm disclosed. To the extent the Court determines this term is not means-plus-function, Defendants propose this term is indefinite. To the extent the Court finds this term is not indefinite, Defendants propose: "A separate hardware component of the computerized system configured to determine if a Query Signal Matches any one plurality of Reference Signals". Intrinsic Evidence '472 Patent Col. 3:29-34; 3:43-47; 3:52-55; 3:63- 4:4; 4:31-36; 6:54-7:55; 8:16-27; 8:55-9:10; 9:18-39; 9:47-51; 10:9-19; 14:19-27; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.
7.	Versions of [a/the/said/"that one of said plurality of"] reference signal[s]	**700** (1,6) **494** (1,11,29) **175** (8)	No construction required. Blue Spike objects to the Defendants' refusal to construe the term "version." **700 Patent, Claim 1, 6** **494 Patent, Claim 1, 11, 29** **700 Patent, Claim 40**	"multiple variations of a particular Reference Signal" Intrinsic Evidence '472 Patent Col. 3:52-55; 3:63- 4:7; 4:31-36; 6:54-7:55; 8:16-27; 8:55-9:10;

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
		700 (40)	BLU660, 662, 792, 794, 807-809, 811-812, 816-817, 819-820, 824-825, 827, 829, 851, 882-883, 962, 967, 1002, 1032, 1100, 1105, 1156, 1162, 1164, 1179, 1212, 1231, 1398, 1399, 1400, 1401, 1404, 1421, 1423-1424, 1685, 1687-1689, 1701, 1703-1704, 1734, 1736, 1737, 1767, 1769-1770, 2239, 2241-2242 **Version -** No construction required. BLU154, 369, 454, 458, 485, 503, 526-528, 533, 562-563, 568, 570, 574, 578, 600-601, 606, 608, 612, 616, 660, 662,792, 794, 805, 807-809, 811-812, 816, 819-820, 824-825, 827, 829, 851, 882-883, 961, 962, 964, 965, 967, 1001-1003, 1005, 1032, 1034, 1099, 1100, 1102-1103, 1105, 1156, 1162-1164, 1170, 1173, 1179-1180, 1182, 1189, 1195-1197, 1203, 1206, 1212, 1213, 1215, 1230-1231, 1233, 1234, 1391, 1398-1401, 1403-1404, 1421-1425, 1428, 1580, 1613, 1685, 1687, 1688, 1701, 1703-1704, 1712, 1718-1720, 1726, 1729, 1734, 1736-1737, 1745, 1751-1753, 1759, 1762, 1767, 1769-1770, 1980, 2003-2004, 2008-2009, 2023, 2086-2087, 2148, 2154, 2159, 2161, 2166, 2169, 2179, 2184, 2186, 2191, 2194, 2206, 2212, 2219, 2224, 2226, 2231, 2234, 2239, 2241, 2242 Extrinsic Evidence: BLU023513-16 BLU023441-48, BLU023474-76, BLU023479 BLU023546-64 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	9:47-51; 10:9-19; 11:18-20; 13:10-18; 14:19-27; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
8.	Selectable criteria	**472** (11)	"criteria that is selectable" BLU90-91, 118-119, 137-140, 147-149, 161, 561, 585, 589, 599, 623, 627, 1155, 1183, 1188, 1216, 1711, 1739, 1744, 1772, 2153, 2178, 2218, 2244 Extrinsic Evidence: BLU023510. BLU023371. BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	"Rules available for selection, which create different abstracts for a particular reference signal" Intrinsic Evidence '472 Patent at Abstract; '472 Patent Col. 3:18-21; 7:48-64; 8:41-54; 9:47-51; 10:9-19; 10:41-46; 11:13-23; 11:24-57; 12:61-13:30; 14:28-51; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.
9.	Reference signal	**472** (3,4,8,11) **700** (1,6,7,8,10,40,49) **494** (1,4,5,11, 17,18,20, 29)	"a signal that is being referenced" BLU0001-2260. Extrinsic Evidence: BLU023513-16 BLU023441-48, BLU023474-76, BLU023479 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	"An uncompressed signal representing an entire work" Intrinsic Evidence '472 Patent Col. 6:64-7:28; 7:29-64; 8:10-40; 9:13–26; 11:8–23; 12:1830; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
10.	Query signal	**472** (3,4,8,11) **700** (1,10,40, 49) **494** (1,11,20, 29)	"a signal being monitored or analyzed" BLU0001-2260. Extrinsic Evidence: BLU023513-16 BLU023441-61 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	"An uncompressed signal representing an entire work to be analyzed" Intrinsic Evidence '472 Patent Col. 6:64-7:28; 7:29-64; 8:10-40; 9:13–26; 11:8–23; 12:18-30;'700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.
11.	Reference database	**472** (3,8,11)	"a database that contains references" BLU0001-2260. Extrinsic Evidence: BLU023441-48, BLU023479 BLU023374, 452 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	"A database containing Abstracts for a predefined set of Reference Signals" Intrinsic Evidence '472 Patent Col. 8:10-40; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.
12.	Related to	**700** (40) **494** (11)	No construction required. BLU297, 299, 445, 565, 580, 581, 603, 618-619, 632, 639, 661, 794, 812, 851, 966, 997, 1104, 1159, 1175-1176, 1192, 1208-1209, 1241, 1248, 1400, 1423, 1543, 1618, 1687, 1703, 1715,	"Matches" Intrinsic Evidence

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
			1731-1732, 1736, 1748, 1764-1765, 1769, 1976, 2149, 2156, 2171-2172, 2174, 2181, 2196-2197, 2209, 2221, 2236-2237, 2241 Extrinsic Evidence: BLU023482-90 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	'472 Patent Col. 2:64-3:7; 3:8-47; 3:52-55; 3:63- 4:50; 6:54-7:55; 8:16-27; 8:55-59; 9:47-51; 10:9-19; 11:20-23; 14:19-27; '15:3-8; 15:12-15; 700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.
13.	Recording the identify [sic] of the reference signal	**472** (8)	"Recording the identity of the reference signal." BLU117-118, 136-137, 145-147, 158-159, 561, 584, 599, 622, 1155, 1188, 1711, 1744, 2153, 2178, 2218 Extrinsic Evidence: BLU023391-97 BLU023513-16 BLU023441-48, BLU023474-76, BLU023479 BLU023464-71 BLU023565-BLU023640 Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	"storing the unique label that corresponds to only one Reference Signal" Extrinsic Evidence: "recording … The process of storing information on some storage medium for later retrieval." The IEEE Standard Dictionary of Electrical and Electronics Terms (6th Ed. 1997). Intrinsic Evidence '472 Patent Col. 3:59-61; 7:44:48.

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
14.	Creating at least one counter corresponding to one of said at least one reference signal	472 (3,8)	No construction required. BLU89, 116, 118, 134, 137, 144, 147, 157, 159, 582, 585, 620, 623 BLU89, 116, 134, 144, 157, 582, 620. Extrinsic Evidence: BLU023359-68 BLU023513-16 BLU023441-48, BLU023474-76, BLU023479 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	"creating an element used for counting, which corresponds to a particular Reference Signal" Intrinsic Evidence '472 Patent Col. 9:11-17; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.
15.	First digital reference signal abstract match recorder	175 (15)	No construction required. BLU1-2260. BLU2005, 2011, 2087. Extrinsic Evidence: BLU023313-17 BLU023377-83 BLU023408-15 BLU023513-16 BLU023464-71 BLU023441-48, BLU023474-76, BLU023479 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's	"an element used for counting, which corresponds to a particular Abstract" Intrinsic Evidence '472 Patent Col. 9:11-17; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
			proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	
16.	Incrementing the counter….when a match is found	472 (3,8)	No construction required. BLU89, 116, 118, 134, 137, 144, 147, 157, 159, 583, 585, 621, 623. BLU116, 118, 134, 137, 144, 147, 157, 159, 583, 621. Extrinsic Evidence: BLU023359-68 BLU023400-02 BLU023408-15 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	"increasing the value of the element used for counting when a Match is found" Intrinsic Evidence '472 Patent Col. 9:11-17; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.
17.	A compare result	175 (11)	No construction required. 175, Claim 11 BLU1982, 2005, 2010, 2087. Extrinsic Evidence: BLU023348-350, 411 BLU023493-4 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a	"data that indicates whether a Match between two abstracts was found" Intrinsic Evidence '472 Patent Col. 3:29-34; 3:43-47; 4:56-59; 8:55-9:17; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
			declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	Reply. Extrinsic Evidence: "compare … To check two items, such as words, files, or numeric values, so as to determine whether they are the same or different. In a program, the outcome of a compare operation often determines which of two or more actions is taken next." Computer Dictionary (Microsoft Press, 3d Ed. 1997).
18.	Generating a report	**472** (4)	No construction required. BLU116, 134, 144, 157, 408, 583, 621 Extrinsic Evidence: BLU023386-88 BLU023565-BLU023640 Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	"creating a serial output which can be subsequently processed to determine the total number of times various signals have been detected" Intrinsic Evidence '472 Patent Col. 9:11-17; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.
19.	Distributing at least one signal based on the comparison step	**700** (51)	No construction required. BLU813, 826, 885, 964, 967, 1004, 1017, 1035, 1102, 1105, 1181, 1214, 1233, 1401, 1688, 1704, 1737, 1770, 2242.	"delivering at least one signal resulting from the comparison to multiple recipients" Intrinsic Evidence '472 Patent Col. 2:7-21; 6:64-7:3; 9:11-

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
			Extrinsic Evidence: BLU023348-350, 411 BLU023513-16 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	17; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply. Extrinsic Evidence: "signal distributing (telephone switching systems) Delivering of signals from a common control to other circuits." The IEEE Standard Dictionary of Electrical and Electronics Terms (6th Ed. 1997).
20.	perceptual characteristics representative of parameters to differentiate between versions of the reference signal	**494** (11) **700** (40)	**perceptual characteristics representative of parameters to differentiate between versions of the reference signal…** - No construction required BLU662, 794, 811, 820, 824, 1399, 1422, 1687, 1703, 1736, 1769, 2241. BLU0001-2260. Extrinsic Evidence: BLU023513-16 BLU023431-2 BLU023342 BLU023425 BLU023441-48, BLU023474-76, BLU023479 BLU023546-64 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a	"Perceptual characteristics, which represent parameters, that distinguish multiple Versions of the same Reference Signal" Intrinsic Evidence '472 Patent Col. 3:52-55; 3:63- 4:50; 5:65-6:6; 6:54-7:55; 8:10-30; 9:47-51; 10:9-33; 11:7-23; 13:10-30; 14:19-27; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
			declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	
21.	signal characteristic parameters configured to differentiate between versions of said reference signal	**494** (1)	No construction required given the length of this proposed phrase. BLU659-660, 792, 807-809, 816, 819-820, 824-825, 827, 829, 850, 852, 855, 964, 1003, 1102, 1181, 1214, 1233, 1398-1399, 1401, 1403-1404, 1421, 1423-1424, 1580, 1685-1686, 1689, 1701-1702, 1704, 1734-1735, 1737, 1767-1768, 1770, 2212, 2239, 2240, 2242 **reference signal** – "A signal that is being referenced." [addressed above]. BLU0001-2260. Extrinsic Evidence: BLU023513-16 BLU023342 BLU023425 BLU023441-48, BLU023474-76, BLU023479 BLU023546-64 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	"parameters that characterize a signal that distinguish between multiple Versions of the same Reference Signal" Intrinsic Evidence '472 Patent Col. 3:52-55; 3:63- 4:50; 5:65-6:6; 6:18-31; 6:54-7:55; 8:16-27; 9:47-51; 10:9-33; 13:10-30; 14:19-27; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply. Extrinsic Evidence: "parameter - variable factor or characteristic." The Hutchinson Dictionary of Computing Multimedia and the Internet (3d ed. 1999). "signal parameter (programmable instrumentation) - That parameter of an electrical quantity whose values or sequence of values convey information." The IEEE Standard Dictionary of Electrical and Electronics Terms (6th Ed.

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
				1997).
22.	signal characteristic parameters configured to differentiate between a plurality of versions of the reference signal.	**700** (1)	No construction required. BLU659-660, 792, 807-809, 816, 819-820, 824-825, 827, 829, 850, 852, 855, 964, 1003, 1102, 1181, 1214, 1233, 1398-1399, 1401, 1403-1404, 1421, 1423-1424, 1580, 1685-1686, 1689, 1701-1702, 1704, 1734-1735, 1737, 1767-1768, 1770, 2212, 2239, 2240, 2242. BLU0001-2260. Extrinsic Evidence: BLU023513-16 BLU023342 BLU023441-48, BLU023474-76, BLU023479 BLU023425 BLU023546-64 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	"parameters that characterize a signal that distinguish between multiple Versions of the same Reference Signal" Intrinsic Evidence '472 Patent Col. 3:52-55; 3:63- 4:50; 5:65-6:6; 6:18-31; 6:54-7:55; 8:16-27; 9:47-51; 10:9-33; 13:10-30; 14:19-27; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply. Extrinsic Evidence: "parameter - variable factor or characteristic." The Hutchinson Dictionary of Computing Multimedia and the Internet (3d ed. 1999). "signal parameter (programmable instrumentation) - That parameter of an electrical quantity whose values or sequence of values convey information." The IEEE Standard Dictionary of Electrical and Electronics Terms (6th Ed. 1997).
23.	signal characteristic	**494** (29)	No construction required.	"parameters that characterize a signal that distinguish between multiple

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
	parameters configured to differentiate between other versions of that one of said plurality of reference signals		BLU659-660, 792, 807-808, 816, 819-820, 824-825, 827, 829, 1398, 1401, 1403-1404, 1421, 1423-1424, 1685, 1689, 1701, 1704, 1734, 1737, 1767, 1770, 1980, 2003, 2009, 2087, 2212, 2239, 2242 Extrinsic Evidence: BLU023513-16 BLU023441-48, BLU023474-76, BLU023479 BLU023546-64 BLU023425 BLU023342 BLU023565-BLU023640 BLU659-660, 792, 807-809, 816, 819-820, 824-825, 827, 829, 850, 852, 855, 964, 1003, 1102, 1181, 1214, 1233, 1398-1399, 1401, 1403-1404, 1421, 1423-1424, 1580, 1685-1686, 1689, 1701-1702, 1704, 1734-1735, 1737, 1767-1768, 1770, 2212, 2239, 2240, 2242	Versions of the same Reference Signal" Intrinsic Evidence '472 Patent Col. 3:52-55; 3:63- 4:50; 5:65-6:6; 6:18-31; 6:54-7:55; 8:16-27; 9:47-51; 10:9-33; 13:10-30; 14:19-27; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply. Extrinsic Evidence: "parameter - variable factor or characteristic." The Hutchinson Dictionary of Computing Multimedia and the Internet (3d ed. 1999). "signal parameter (programmable instrumentation) - That parameter of an electrical quantity whose values or sequence of values convey information." The IEEE Standard Dictionary of Electrical and Electronics Terms (6th Ed. 1997).
24.	signal characteristic parameters that differentiate	**175** (8)	No construction required. BLU659-660, 792, 807-808, 816, 819-820, 824-825, 827, 829, 1398, 1401, 1403-1404, 1421, 1423-1424, 1685, 1689, 1701, 1704, 1734, 1737, 1767, 1770, 1980, 2003, 2009, 2087, 2212, 2239, 2242.	"parameters that characterize a signal that distinguish between multiple Versions of a single visual work and multimedia work"

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
	between said plurality of different versions of said visual work and said multimedia work		Extrinsic Evidence: BLU023342 BLU023513-16 BLU023546-64 BLU023565-BLU023640. BLU023425 Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	Intrinsic Evidence '472 Patent Col. 3:52-55; 3:63- 4:50; 5:65-6:6; 6:54-7:55; 8:16-27; 9:47-51; 10:9-33; 13:10-30; 14:19-27; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply. Extrinsic Evidence: "parameter - variable factor or characteristic." The Hutchinson Dictionary of Computing Multimedia and the Internet (3d ed. 1999). "signal parameter (programmable instrumentation) - That parameter of an electrical quantity whose values or sequence of values convey information." The IEEE Standard Dictionary of Electrical and Electronics Terms (6th Ed. 1997).
25.	Recognizable characteristic	**700** (8) **494** (18)	No construction required. BLU023342 BLU808, 812, 882, 962, 967, 1002, 1033, 1100, 1105, 1179, 1212, 1231, 1400, 1688, 1704, 1737, 1770, 2241.	"characteristic visually or aurally perceived by a person" Intrinsic Evidence '472 Patent Col. 3:52-4:4; 4:44-52; 5:5-17; 6:54-7:28; 8:41-54; 14:3-18; 14:54-15:11; '700 Patent FH, 10/30/08 OA

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
			Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.
26.	Cryptographic protocol	**700** (10,11,49,50) **494** (20,21)	No construction required. BLU482-483, 507, 580, 618, 808-809, 812, 824, 883-884, 962-963, 967, 1002-1003, 1013, 1033, 1100-1101, 1105, 1175, 1179-1180, 1208, 1212-1213, 1231, 1233, 1399, 1401, 1621, 1686, 1688, 1702, 1704, 1731, 1735, 1737, 1764, 1768, 1770, 2171, 2196, 2236, 2240, 2242. Extrinsic Evidence: BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	"An agreed upon procedure for transforming data in order to secure it" Intrinsic Evidence '472 Patent Col. 1:61-2:7; 2:41-48; 10:46-54; 14:19-27; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply; '718 Patent 4:36; 14:14 (incorporated by reference in '472 patent). Extrinsic Evidence: "Cryptography – The discipline embodying principles, means, and methods for the transformation of data in order to hide its information content, prevent its undetected modification, and/or prevent its unauthorized use." The IEEE Standard Dictionary of Electrical and Electronics Terms (6th Ed. 1997).

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
27.	Hash	**700** (11,50) **494** (21)	A mathematical function that maps a bit string. BLU459, 466, 498, 574, 580, 612, 618, 701, 808-809, 813, 819, 883, 962-963, 967, 1002-1003, 1010-1011, 1033, 1101-1102, 1105, 1169, 1175, 1179-1180, 1202, 1208, 1212-1213, 1232-1233, 1401, 1688, 1704, 1725, 1731, 1737, 1758, 1764, 1770, 1979, 2003, 2008, 2165, 2171, 2190, 2196, 2230, 2236, 2242 BLU23457 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	"A mathematical transform that maps a bit string of arbitrary length to a fixed length bit string to achieve uniqueness" Intrinsic Evidence '472 Patent Col. 1:61-2:7; 2:42-48; 10:46-54; 14:19-27; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply. Extrinsic Evidence: "Hash function - A function that maps a bit string of arbitrary length to a fixed length bit string." Digital Signature Standard, Federal Information Processing Standards Publication, United States Department of Commerce, FIPS PUB 186-4.
28.	Reduced in size	**175** (8,11,17)	No construction required. BLU1978-1984, 2002, 2007-2013, 2023, 2086, 2088-2089 PH of cited Data Reduction Patent (and/or Patent Application). Extrinsic Evidence: BLU023565-BLU023640 Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a	"compressed" Intrinsic Evidence '472 Patent Col. 3:52-55; 3:63- 4:50; 5:65-6:6; 6:54-7:55; 8:16-27; 9:47-51; 10:9-19; 14:19-27; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH,

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
			declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.
29.	Psycho-acoustic model	**175** (17)	No construction required. BLU1883, 1906, 2006, 2012, 2025-2026, 2088 BLU023324, 331, 451 Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	"model that determines acoustic parameters that are humanly-perceptible" Intrinsic Evidence '472 Patent Col. 7:34-64; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply
30.	Psycho-visual model	**175** (17)	No construction required. BLU1883, 1906, 2006, 2012, 2025-2026, 2088 BLU023327-30, 451 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	"model that determines visual parameters that are humanly-perceptible" Intrinsic Evidence '472 Patent Col. 7:48-64; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply
			Indefiniteness Terms To Be Addressed in Motion for Summary Judgment	
31.	Data describing a	**700** (7)	No construction required. 700, Claim 1-46	Indefinite.

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
	portion of the characteristics of its associated reference signal	**494** (17)	494, Claim 1-17 BLU808, 812, 962, 967, 1002, 1100, 1105, 1179, 1212, 1231, 1400, 1688, 1703, 1736, 1769, 2241 BLU023513-16 BLU023441-48, BLU023474-76, BLU023479 BLU023565-BLU023640. BLU023342 Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	To the extent the Court believes that this term is not indefinite, then Defendants propose: "Information describing less than all of the signal characteristic parameters used to create the Abstract for its associated Reference Signal" <u>Intrinsic Evidence</u> '472 Patent Col. 10:9-33; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply.
32.	Digital signature	**700** (11,50) **494** (21)	No construction required. Intrinsic Evidence: BLU000017-18, 191, 231, 444-446, 460, 483, 489, 492, 509, 520, 580, 618, 747, 751, 808, 809, 813, 883, 962-963, 967, 1002-1003, 1033, 1089, 1093, 1101-1102, 1105, 1137, 1141, 1175, 1179-1180, 1208, 1212-1213, 1232-1233, 1319, 1328, 1369, 1378, 1401, 1527, 1531, 1586, 1597, 1619-1620, 1657, 1661, 1688, 1704, 1731, 1737, 1764, 1770, 2055, 2064, 2126, 2135, 2171, 2196, 2236, 2242 BLU023565-BLU023640 700, Claim 11 ("The system of claim 10, wherein the cryptographic protocol is one of at least a hash or digital signature and further comprising storing the hashed abstract	Indefinite. To the extent the Court believes that this term is not indefinite, then Defendants propose: "the result of a cryptographic transformation of data that, when applied to an Abstract, provides a mechanism for verifying origin authentication, data integrity and signatory non-repudiation" <u>Intrinsic Evidence</u> '472 Patent Col. 1:61-2:7; 2:42-48; 10:46-54; 14:19-27; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH,

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
			and/or <u>digitally signed abstract</u>."). 700, Claim 1, 10, 50. 700, Col. 14:1-4. Extrinsic Evidence: Schneider, M., et al. "Robust Content Based Digital Signature for Image Authentication," Proceedings of the International Conference on Image Processing (IC. Lausanne). Sep. 16-19, 1996, pp. 227-230, IEEE ISBN. BLU023377-83 BLU23440-460. Digital Signature Standard, Federal Information Processing Standards Publication, United States Department of Commerce, FIPS PUB 186-4, FIPS PUB 186-2 (1990). Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply
33.	security controller that controls access to a secured area[*]	**472** (12) **494** (20)	No construction required. BLU120:17, 139-140, 149-150:17, 161:17, 408, 587:17, 625:17 Extrinsic Evidence: BLU023497-504 BLU023353-56 Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that	Indefinite To the extent the Court believes that this term is not indefinite, then Defendants propose: "a hardware device that prevents unauthorized access" <u>Intrinsic Evidence</u> '472 Patent Col. 3:31-38; 13:31-42.

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
			one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	
34.	Programmed or structured to use an algorithm to generate said digital reference signal abstract from said digital reference signal* Programmed or structured to use said algorithm to generate said digital query signal abstract from said digital query signal*	**175** (16)	No construction required. **…algorithm …** – "a mathematical rule or procedure for solving a problem" BLU2011:115, 2024:6, 2088:115 Extrinsic Evidence: BLU023313-21 BLU023403-05 (index indicating abstract). BLU023377-83 BLU023386-88 BLU023513-16 BLU023441-61, BLU023474-76, BLU023479 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	Indefinite Intrinsic Evidence '472 Patent Col. 7:34-64; 14:36-52; '700 Patent FH, 10/30/08 OA Reply; '700 FH Response to 3/5/09 OA; '472 Patent FH, 11/22/2004 OA Reply; '472 Patent FH, 8/13/2007 OA Reply; '175 Patent FH, 1/21/2012 OA Reply
35.	Wherein the system applies a cryptographic protocol*	**700** (10)	No construction required. BLU483:9-11, 507:19-508:11, 579:24-580:3, 617:24-618:3, 808:31-32, 809:37-38, 812:64, 813:65, 824, 883:30, 884:39-41,	Indefinite

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	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
			962:31-32, 963:37-38, 967:64-65, 1002:31-32, 1003:37-38, 1013, 1033:18-20, 1100:31, 1101:32, 37, 1102:38, 1105:64-65, 1174-1175:57, 1179:31-32, 1180:37-38, 1207-1208:57, 1212:31-32, 1213:37-38, 1231-1232:31-32, 1233:37-38, 1399:79, 1401:93-94, 1621, 1686:79, 1688:93-94, 1702: 79, 1704:93-94, 1731:57, 1735:79, 1737:93-94, 1764:57, 1768:79, 1770:93-94, 2171:56, 2236:56, 2240:79, 2242:93-94. Extrinsic Evidence: BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	
36.	The system of claim … further comprising storing the hashed abstract …[*]	**700** (11) **494** (21)	No construction required. BLU808:32, 813:65, 883:30, 962:32, 967:65, 1002:32, 1033:20, 1101:32, 1105:65, 1179:32, 1212:32, 1232:32, 1401:94, 1688:94, 1704:94, 1737:94, 1770:94, 2242:94. Extrinsic Evidence: BLU23457 BLU023313-17 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that	Indefinite

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
			one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	
37.	The system of claim … based on the comparison step*	**494** (22)	No construction required. BLU809-810:41, 813:66, 826, 885:43-44, 964:41, 967:66, 1004:41, 1017, 1035:30-31, 1102:41, 1105:66, 1181:41, 1214:41, 1233:41, 1401:95, 1688:95, 1704:95, 1737:95, 1770:95, 2242:95. Extrinsic Evidence: BLU023348-350, 411 BLU023536-40 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	Indefinite
38.	Index of relatedness*	**472** (11)	No construction required. BLU91, 120, 139, 149, 161, 408 Extrinsic Evidence: BLU023405	Indefinite To the extent the Court believes that this term is not indefinite, then Defendants propose: "a rank of closeness between the Query Signal itself and the abstracts stored in the Reference Database" Intrinsic Evidence '472 Patent at Abstract; '472 Patent Col.

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
			BLU023482-90 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence.	11:20-23.
39.	Similar to[*]	175 (8,11,17)	No construction required. BLU64, 71, 580, 618, 636, 643, 824, 825, 827, 829, 1017, 1018, 1175, 1208, 1245, 1252, 1261, 1338, 1386, 1397, 1416, 1538, 1540, 1543, 1567, 1570, 1732, 1765, 1910, 1971, 1978-1984, 2002, 2007-2013, 2018, 2023, 2086, 2088, 2089, 2092, 2142, 2172, 2197, 2200, 2237, 2258 Extrinsic Evidence: BLU023411, BLU023520-22 BLU023565-BLU023640. Blue Spike may have an expert, Dr. Ahmed Tewfik, provide a	Indefinite To the extent the Court believes that this term is not indefinite, then Defendants propose: "looks or sounds the same as"

	Term	Patent (claims)	Blue Spike Construction	Defendants' Construction
			declaration or testify at the Markman hearing, that Blue Spike's proposed construction is consistent with the understanding that one of ordinary skill in the art would have had of the disputed claim term in light of the intrinsic and extrinsic evidence. .	